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Organ Harvesting in China: Does it constitute a Human Rights Violation and if so, what measures can Recipient Countries of Transplant Tourism take to curtail the Phenomenon?

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Abbreviations

AP	Additional Protocol
CAT	Convention against Torture
CCP	Chinese Communist Party
CMA	Chinese Medical Association
DAFOH	Doctors against forced organ harvesting
DAPTA	Dialysis and Transplant Patients Association (Iran)
DoI	Declaration of Istanbul
ECD	Expanded Criteria Donor
ECHR	European Convention on Human Rights
ECtHR	European Court on Human Rights
ESRD	End-Stage Renal Disease
EU	European Union
GP	Guiding Principles of
HMO	Health Maintenance Organization
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
INTC	Israel National Transplant Centre
LURD	Living Unrelated Donor
OTC	Organ, Tissue and Cell
PRC	People's Republic of China
TTS	The Transplantation Society
UDHR	Universal Declaration of Human Rights
UN	United Nations
WHO	World Health Organisation
WHA	World Health Assembly
WMA	World Medical Association

Abstract

Progress in medical research, better trained medical staff and more effective drugs have contributed to organ transplantations becoming a standard procedure worldwide. With an increasing number of successful organ transplantations taking place, related problems are occurring. The existing lack of potential donors - whether deceased or alive - led to a global scarcity of organs with the number of required organs exceeding the number of the ones that are available. As a result, patients suffering from severe organ failure are seeking alternative ways to obtain the organs they need.

These alternatives can be found in China and transplant tourism is growing. China is the country that performs the second largest number of organ transplants per year. Yet it does not provide transparency for the source of said organs, or the exact number transplanted annually.

Executed prisoners and prisoners of conscience are believed to be killed for the purpose of organ harvesting. It is argued that grave breaches of human rights are occurring in this context; as China denies these human rights violations, the international community must act. Can national legalization or prohibition of organ trade curtail transplant tourism? Certainly, the role of recipient countries is crucial to stop their citizens from purchasing an organ abroad. Nevertheless, the risks involved for donors and recipients are not to be underestimated.

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